



DFW

May 25, 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

ATTN: Ms Michelle Renee Clement  
Examiner

Subject: My response to 05/17/2005 Office Action Summary

Name of Applicant: Robert Len Aske  
Application No. 10/613, 944  
Art Unit 3641  
Filing Date 07 July 2003  
Title of Invention SAFETY CARTRIDGE

Dear Ms Clement,

Based on our telephone conversation of 05/23/2005, please find enclosed a marked-up copy of your Office Action Summary which provides answers to your questions.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Robert L. Aske".

Robert Len Aske  
1640 Kilmer Avenue  
St. Louis Park, MN. 55526



# UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 31 2005

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/613,944

07/07/2003

Robert Len Aske

6623

7590

05/17/2005

Robert Len Aske  
1640 Kilmer Ave  
St. Louis Park, MN 55426

EXAMINER

CLEMENT, MICHELLE RENEE

ART UNIT

PAPER NUMBER

3641

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

MAY 31 2005

Application No.

10/613,944

Applicant(s)

ASKE, ROBERT LEN

Examiner

Michelle (Shelley) Clement

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 July 2003.
- 2a) ☐ This action is FINAL.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-20 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some \* c) ☐ None of:
    - 1. ☐ Certified copies of the priority documents have been received.
    - 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    - 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

It is noted that the following action is based on the application as filed on 7/7/03.

***Election/Restrictions***

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

Applicant must elect **one** from the following:

Figure 4

embodiment of figure 4; or embodiment of figure 6; or rifles and shotguns (not shown).

Applicant must **also** elect **one** from of the following:

Figure 7

embodiment of Figure 7; or embodiment of Figure 8; or embodiment of Figure 9; or embodiment of Figure 10.

ejecting the  
cartridge  
from the  
chamber

Applicant must **also** elect **one** from of the following where the gun owner elects to use his loaded gun for self defense by: ejecting the cartridge from the chamber; or by indexing the cylinder.

Soldered

Applicant must **also** elect **one** from the following where the extension spring is: soldered; spot welded; adhesive bonded; or a high strength steel washer.

Soldered

Applicant must **also** elect **one** from the following where the steel washer is: soldered; welded; or bonded.

rounded

Applicant must **also** elect **one** from the following where the slug's end is: chamfered; or rounded.

Anodized  
aluminum

Applicant must **also** elect **one** from the following where the slug is: anodized aluminum; or plastic.

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Applicant must **also** elect **one** from the following where the straight end of the extension spring is: threaded and tied; or bent at 90 degrees.

Applicant must **also** elect **one** from the following where the slug is: equipped with a gas operated sound generator; or is two-piece.

Applicant must **also** elect **one** from the following where the slug: has a diameter larger than the gun bore; or has a diameter slightly less than the gun bore.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicant is advised that a reply to this requirement **must include an identification of the species that is elected** consonant with this requirement, **and a listing of all claims readable thereon**, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the

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examiner finds one of the inventions unpatentable over the prior art, the evidence of admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle (Shelley) Clement whose telephone number is 571.272.6884. The examiner can normally be reached on Monday thru Thursday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571.272.6873. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Michelle Clement*